

REMARKS

I. Introduction

In response to the Office Action dated September 11, 2003, claims 21, 28, 34, 37 and 44 have been amended and claim 29 has been cancelled. Claims 21-28 and 30-50 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments follow the suggestions provided by the Examiner at page 2 of the Office Action. Applicants' attorney respectfully thanks the Examiner for these very helpful suggestions.

III. Non-Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 21-50 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In paragraphs (10)-(11) of the Office Action, claims 35, 41, and 48 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

In order to overcome the rejection to claims 21-50 under 35 U.S.C. §112, second paragraph, Applicants have amended independent claims 21, 37 and 44 pursuant to the Examiner's suggestion. Applicants therefore respectfully request the withdrawal of this rejection.

Claim 34 has also been amended hereinabove to clarify how the "mesh" relates to the other claimed elements (see, e.g. page 15, lines 22-29 of the specification).

IV. Claim Rejections – 35 U.S.C. §101

In paragraphs (3)-(4) of the Office Action, claim 28 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

In order to overcome this rejection, Applicants have amended claim 28 pursuant to the Examiner's suggestion. Applicants therefore respectfully request the withdrawal of this rejection.

V. Prior Art Rejections

In paragraphs (5)-(6) of the Office Action, claims 21-34, 36-40, 42-47, 49, and 50 were rejected under 35 U.S.C. §102(b) as being anticipated by James et al., GB 2 284 809 A (James).

As noted hereinabove, Applicants have amended the independent claims to clearly recite an amplification component incorporated within a polymer matrix. As the invention recited in the amended claims is neither taught nor suggested by James et al., Applicants respectfully request the withdrawal of this rejection.

VI. Double Parenting Rejection

In paragraphs (7)-(8) of the Office Action, claims 21, 24, and 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 6,011,984. In paragraph (9) of the Office Action, claims 21, 24, and 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 12, and 31 of U.S. Patent No. 6,002,954.

While Applicants respectfully traverse these rejections, claim 21 has been amended hereinabove to incorporate the language of claim 29 (which has been cancelled). This amendment, without acquiescence to the Examiner's rejections, renders the rejection to claim 21 (and claim 24 and 26) moot. Applicants therefore respectfully request the withdrawal of this rejection.

VII. Conclusion

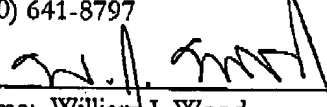
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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